

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

FREDRIC S. BREIDENBACH, etc., *et al.*,

Plaintiffs,

vs.

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL
NO. 82 JOINT PENSION FUND, *et al.*,

Defendants.

:

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Case No. 3:92-CV-184

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JUDGE WALTER H. RICE

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DECISION AND ENTRY OVERRULING PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF SETTLEMENT AGREEMENT (DOC. #177) AND
PLAINTIFF'S MOTION FOR FINAL APPROVAL OF NOTICE OF
OPPORTUNITY TO CONFIRM OR REVOKE TRANSFER ELECTION
(DOC. #179), WITHOUT PREJUDICE TO RENEWAL UPON THE
HAPPENING OF CERTAIN EVENTS, TO WIT: THE APPEARANCE OF A
SUBSTITUTE COUNSEL FOR PLAINTIFF WHO IS NOW DECEASED;
THE APPOINTMENT OF CLASS COUNSEL; THIS COURT'S ATTEMPT
AT MEDIATION AND THE POSSIBILITY OF AN ORAL AND
EVIDENTIARY HEARING; CONFERENCE CALL SET

Given that Plaintiff has become deceased, having operated as *pro se* counsel for the last several months of his life, and, further, the fact that class counsel has withdrawn as such counsel, there exists a need for successor counsel to enter an appearance and for new class counsel to be appointed. Finally, this Court wishes to convene a mediation, leading to the possibility of a brief oral hearing. Accordingly, the above captioned motions are OVERRULED, without prejudice to renewal, following the conclusion of the captioned events.

Present counsel of record, plus special counsel, Erin Sweeney will take note that a

telephone conference call will be had, lasting approximately thirty minutes, beginning at 4:00 p.m. on April 18, 2023, to discuss further procedures in the captioned cause. Possible Plaintiff's counsel and class counsel, Mr. Steven Bacon, should also plan to take place in this conference.

March 28, 2023



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record